

DEPARTMENT OF FINANCE AND ADMINISTRATION
Administrative Memorandums

300.3.4 TITLE: Sexual Harassment/Discrimination
ISSUING OFFICE: Director's Office
DISTRIBUTION THROUGH: All DFA Employees (LEVEL)
DATE ISSUED/REVISED: 12/21/87 REPLACES: _____ DATED: _____

Pursuant to the provisions of the Federal Guidelines (29 CFR Ch. XIV, Subsection 1604.11, Section 703 of Title VII of the Civil Rights Act of 1964, as amended, and Arkansas Act 563 of 1985, which amends Subsection (8) of Section 1801 of Act 280 of 1975 in the Arkansas Criminal Code), the directives contained herein shall be the policy of the Arkansas Department of Finance & Administration with respect to sexual harassment and/or sex discrimination.

It is the Department's policy not to refuse to hire or otherwise adversely affect the employment opportunities of applicants or employees on the basis of sex. The Department unequivocally will not tolerate conduct or action(s) that constitute sexual harassment or any other form of discrimination based on sex.

As it relates to this Policy, sexual harassment, a form of sex discrimination shall be defined as actions involving unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when (a) submission to such conduct is made either explicitly or implicitly a term or condition of an applicant or employee's employment; (b) submission to or rejection of such conduct by an employee or applicant is used as a basis for employment decisions affecting such employee or applicant; (c) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Persons deemed to be in violation of this policy shall be disciplined following a determination of the facts with sanctions for violation to include verbal warning up to termination (dependent upon the type of violation).

Employees who believe they are the subject of sexual harassment or other sex discrimination may file a complaint alleging a violation of this policy under the Department's Equal Employment Opportunity Complaint Procedure. Employees should submit complaints made in good faith, expressed in reasonable terms, containing cause for the complaint, corrective action desired and sufficient information upon which to base decisions.

The agency's grievance procedure authorizes the Grievance Officer to modify, waive, or otherwise change the Grievance Procedure in order to fulfill the intent of the Procedure, provided the Department Director and employee agree to the waiver, modification or change. To this effect no employee, in order to effect resolution of a complaint shall be required to solely or independently confront the person allegedly conducting or causing the action believed to be sexual harassment.

It shall be a Violation of this Policy for any person to intimidate, threaten, coerce or discriminate against any individual for having filed a complaint, furnishing information, or assisting or participating in any manner in an investigation of a complaint

This policy applies to all divisions and offices of the Department, its agents, contractors, subcontractors or others that the Department has control over or legal responsibility for.